

REMARKS

Claims 8-13 are pending in the present application. The Examiner rejected the claims under 35 U.S.C. § 103(a) as being unpatentable over Roland (previously cited) in view of Yamamoto et al. (U.S. Patent No. 5,602,358) in a final Office Action dated September 4, 2008. Applicants submit herewith a request for continued examination pursuant to 37 C.F.R. 1.114 with this Amendment as the requisite submission. With entry of this Amendment, Applicants amend claims 8, 12 and 13. Reexamination and reconsideration are respectfully requested.

The present invention allows processing including equalizing, volume control and adding effects to be performed on audio signals from input channels. The present invention also allows the user in a "listening mode" to listen to a recorded track without any such processing. The audio signal recorded to the selected track can be output directly without supplying the audio signal to the processing.

Applicants have amended claims 8, 12 and 13 to emphasize that the audio signal recorded to the selected track is not assigned to an input channel. Claims 12 and 13 have been amended to recite "outputting, for the listening mode, the audio signal directly from the at least one track selected by the step (j) by diverging the audio signal before inputting the audio signal for said processing without supplying the audio signal for said processing *and without assigning said audio signal to an input channel.*"

Claim 8 has been amended to recite a "second output device" that outputs "the audio signal recorded to the track selected by the track selector directly from the recorder/reproducer without assigning said audio signal to an input channel" and an "output controller" that "controls, for the listening mode, the second output device to output the audio signal directly from the track selected by the track selector by diverging the audio signal before inputting the audio signal to the processing device without supplying the audio signal to the processing device."

Support for these amendments is found throughout the specification and drawings including, without limitation, in Fig. 2. Fig. 2 shows a hard disk recorder 20 from which a track can be listened to directly in the "listening mode." This is shown in Fig. 2 by the "direct out" line from the recorder to output selector 256. Note that the track from the recorder does not need to be assigned to any of the mixer input channels 252b or the recorder input channels 252c of DSP 25. (See also page 14, lines 15-18 of the specification.)

Roland and Yamamoto fail to disclose the above recitations. In Roland, at page 26, it is clear that the audio signals are assigned to track channels of the mixer before being output.

Yamamoto is similarly deficient. Yamamoto discloses an effecter 5 (which is a DSP) in Fig. 3. The effecter 5 has multiplying blocks 206-213 that can be set to provide a signal from input channels 1-4 without effects. (*See, e.g.*, Col. 10, lines 9-19.) The Examiner considers that Yamamoto could be applied to the recorded tracks of Roland to bypass the processing of the effect blocks 202-205 of effecter 5. However, Fig. 3 of Yamamoto makes clear that the audio signals *are assigned to input channels 1-4* in order to be able to bypass the processing of the effect blocks. There is no suggestion at all in Fig. 3 of Yamamoto that an audio signal can be directly output without assignment to one of the four input channels of effecter 5.

Accordingly, Applicants respectfully submit that claims 8, 12 and 13 are patentable over Roland and Yamamoto.

Claims 9-11 depend from claim 8 and are thus patentable for at least the reasons set forth above with respect to claim 8.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032027100.

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